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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,472	09/11/2003	Hajime Saito	09867/0200009-US0	4975
7278	7590	09/03/2008	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			THOMAS, ERIC M	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			09/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/660,472	SAITO ET AL.	
	Examiner	Art Unit	
	Eric M. Thomas	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,9-11,13-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9-11,13-15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This is in response to the amendments filed on 5/1/08; claims 1 and 11 have been amended, claims 2, 7, 8, 12, 16, and 17 have been cancelled. Claims 1, 3 – 6, 9 – 11, 13 – 15, and 18 – 20 are now pending in the current application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 3 – 6, 9 - 11, 13 – 15, and 18 – 20 rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Sparks (U.S. 6,352,479) in view of EA Sports' Madden 2003 and in further view of Pieterse (U.S. 6,080,064).**

Regarding claim 1, Sparks provides a game system, which comprises of a plurality of gaming machines linked together in a network, that is capable of playing different kinds of games from each other, (col. 3, lines 5 – 8, claim 2), includes a sending device that is used for sending personal information which could be used to identify a user (col. 5, lines 5 – 16). It also includes a server, which is capable of storing personal statistics or points and preferences which are contents or a user's playing, (col. 5, lines 17 – 18, lines 46 – 51), but Sparks is silent on whether the game system includes a trading device. In a related art however, EA Sports' Madden 2003 provides a gaming system, which includes a trading device or feature, which allows a user to trade

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any one of a plurality of unique data, which could be used in the games, (pg. 28 – 29 of attached NPL), but both Sparks and EA Sports are silent on the issue of on whether the game system includes a converting device that is mounted on the server, however in a related art, Pieterse provides a converting device which is connected to the server which is used to for play-information conversion (col. 6, lines 20 – 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the art disclosed by EA Sports and Pieterse in order to invention to include a trading feature and a mounted converting device in the game system provided by Sparks in order to enhance the game-play of the game system.

. Regarding claim 3, as stated above, Sparks provides a game system, which fails to disclose a trading device or feature, but EA Sports provides a gaming system, which includes a storage device which could receive a trading request to trade any one of the plurality of unique data together with the identification – information. By doing this, the data will also be reflected in the user available data corresponding to the received information in the storage device (pg. 28 - 29 of attached NPL). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a trade request feature in the game system provided by Sparks in order to enhance the game-play of the game system.

Regarding claim 4, Sparks provides a game system, which comprises of a storage device, which further stores information for verifying the user in association with identification-information, (col. 4, lines 20 – 31), but fails to disclose a trading device that is related to this feature. However, EA Sports' gaming system teaches of a storage

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device, which includes a trade feature (pg. 28 – 29 of attached NPL). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a trade feature in the game system of Sparks in the case of a trade request, where the user in the proper user based on the identification information.

Regarding claim 5, Sparks provides a game system, which fails to disclose a second sending device. However, EA Sports' gaming system teaches of a sending device, which is capable of sending designated or traded data (pg. 28 – 29 of attached NPL). Therefore, it would have obvious to one of ordinary skill in the art at the time of invention to include a second sending device in the game system of Sparks, in order to send certain data to another game machine that is connected to the gaming network.

Regarding claim 6, Sparks provides a game system, where the storage device is capable of storing data and information, connected to the network, to be made available to other users connected to the network, (col. 5, lines 5 – 25, 40 – 52), but Sparks fails to disclose a server and a second sending device, which sends this information to a said game machine. However, EA Sports provides a gaming system, which may include a server that receives information from a said game machine where the sending device reads and then sends the information from the storage device to another said game machine (pg. 14 – 15 of attached NPL). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a second sending device and a server that is capable of sending identification – information from one gaming machine to another.

Regarding claim 9, Sparks provides a game system where the identification – information is used to identify the user for each kind game, which comprises of an individual storage device for each of the games that stores this data and makes it available to each user that is connected to the network. The server is also capable of receiving a request to receive this information from any user that is linked to the network.

Regarding claim 10, Sparks provides a game, which is capable of reading out the identification – information from the storage device from an information storage which stores the identification information and the sending device which sends this information, read out by the device to the server (col. 5, lines 5 – 35).

Regarding claim 11, Sparks provides a server, which communicates with of a plurality of gaming machines linked together in a network, that is capable of playing different kinds of games from each other, (col. 3, lines 5 – 8, claim 1), includes a sending device that is used for sending personal information which could be used to identify a user (col. 5, lines 5 – 16). It also includes a storage device, which is capable of storing personal statistics or points and preferences which are contents or a user's playing, (col. 5, lines 17 – 18, lines 46 – 51), but Sparks is silent on whether the game system includes a trading device. In a related art however, EA Sports provides a gaming system, which includes a trading device or feature, which allows a user to trade any one of a plurality of unique data, which could be used in the games (pg. 28 – 29 of attached NPL). Therefore, it would have been obvious to one of ordinary skill in the art

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at the time of invention to include a trading feature in the game system provided by Sparks in order to enhance the game-play of the game system.

Regarding claim 13, Sparks provides a game system, which comprises of a storage device, which further stores information for verifying the user in association with identification-information, (col. 4, lines 20 – 31), but fails to disclose a trading device that is related to this feature. However, EA Sports' gaming system teaches of a storage device, which includes a trade feature (pg. 28 – 29 of attached NPL). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a trade feature in the game system of Sparks in the case of a trade request, where the user in the proper user based on the identification information.

Regarding claim 14, Sparks provides a game system, which comprises of a server, which stores information for verifying the user in association with identification-information and is able to send this information from to other game machines that are linked to the network server.

Regarding claim 15, Sparks provides a game system, which fails to disclose a second storage device. However, EA Sports' gaming system teaches of a storage device, which is capable of sending designated or traded data (pg. 28 – 29 of attached NPL). Therefore, it would have obvious to one of ordinary skill in the art at the time of invention to include a second sending device in the game system of Sparks, in order to send certain data to another game machine that is connected to the gaming network.

Regarding claim 18, Sparks provides a game system, which comprises of a server, which stores information for verifying the user in association with identification-

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information and is able to send this information from to other game machines that are linked to the network server.

Regarding claim 19, Sparks provides a game system, which comprises of a register terminal that is linked to a communication network with a server that is used for controlling the user's identification information, allows the select which one of the games to be linked, the individual's contents of playing, (personal preferences), a readout device for reading out the individual information from the storage device, an input device for inputting this information, and a sending device for sending this information to the server (claim 1).

Regarding claim 20, Sparks provides a method for playing a game system which includes a plurality of games and a user, which comprises of storage device which stores points that corresponds with identification information, which is used to identify the user, (col. 3, lines 5 – 8, claim 1, col. 5, lines 5 – 16), but Sparks however, is silent on setting a trade value for the points that are accumulated throughout the plurality of games. In a related art however, EA Sports teaches a method of playing a game system, which sets a trading value, which is unified throughout the plurality of games (pg. 28 – 29 of attached NPL). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a trade value feature into the game system provided by Sparks in order to enhance the game-play between the pluralities of users connected to the network.

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714